

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

WARREN CHASE

§

VS.

§

CIVIL ACTION NO. 1:09-CV-492

UNIVERSITY OF TEXAS MEDICAL
BRANCH, ET AL.

§

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Warren Chase, a prisoner previously confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Plaintiff sought leave to proceed *in forma pauperis*.

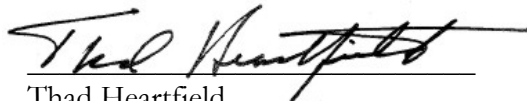
The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends denying plaintiff leave to proceed *in forma pauperis*. The magistrate judge also recommends dismissing the action pursuant to 28 U.S.C. § 1915(g), unless plaintiff paid the filing fee within ten days.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Plaintiff has not paid the filing fee.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Plaintiff's motion for leave to proceed *in forma pauperis* is **DENIED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the **4** day of **August, 2009**.


Thad Heartfield
United States District Judge